

111TH CONGRESS  
2D SESSION

# H. R. 6132

To amend title 38, United States Code, to establish a transition program for new veterans, to improve the disability claim system, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2010

Mr. FILNER (for himself, Mr. MICHAUD, Ms. HERSETH SANDLIN, Mr. HALL of New York, and Mr. TEAGUE) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to establish a transition program for new veterans, to improve the disability claim system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Veterans Benefits and Economic Welfare Improvement  
6 Act of 2010”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. Military transition program.
- Sec. 3. Waiver of claim development period for claims under laws administered by Secretary of Veterans Affairs.
- Sec. 4. Tolling of timing of review for appeals of final decisions of Board of Veterans' Appeals.
- Sec. 5. Exclusion of certain amounts from determination of annual income with respect to pensions for veterans and surviving spouses and children of veterans.
- Sec. 6. Extension of authority of Secretary of Veterans Affairs to obtain certain income information from other agencies.
- Sec. 7. VetStar Award program.
- Sec. 8. Increase in amount of pension for Medal of Honor recipients.
- Sec. 9. Conditions for treatment of certain persons as adjudicated mentally incompetent.

1 **SEC. 2. MILITARY TRANSITION PROGRAM.**

2 (a) IN GENERAL.—Chapter 41 of title 38, United  
 3 States Code, is amended by inserting after section 4114  
 4 the following new section:

5 **“§ 4115. Military transition program**

6 “(a) ESTABLISHMENT; ELIGIBILITY.—(1) Subject to  
 7 the availability of appropriations for such purpose, the  
 8 Secretary of Veterans Affairs and the Assistant Secretary  
 9 of Labor for Veterans' Employment and Training shall  
 10 jointly carry out a program of training to provide eligible  
 11 veterans with skills relevant to the job market.

12 “(2) For purposes of this section, the term ‘eligible  
 13 veteran’ means any veteran whom the Secretary of Vet-  
 14 erans Affairs determines—

15 “(A) is not otherwise eligible for education or  
 16 training services under this title;

17 “(B) has not acquired a marketable skill since  
 18 being separated or released from service in the  
 19 Armed Forces;

1 “(C) was discharged under honorable condi-  
2 tions; and

3 “(D)(i) has been unemployed for at least 90  
4 days during the 180-day period preceding the date  
5 of application for the program established under this  
6 section; or

7 “(ii) during such 180-day period received a  
8 maximum hourly rate of pay of not more than 150  
9 percent of the Federal minimum wage.

10 “(b) APPRENTICESHIP OR ON-THE-JOB TRAINING  
11 PROGRAM.—The program established under this section  
12 shall provide for payments to employers who provide for  
13 eligible veterans a program of apprenticeship or on-the-  
14 job training if—

15 “(1) such program is approved as provided in  
16 paragraph (1) or (2) of section 3687(a) of this title;

17 “(2) the rate of pay for veterans participating  
18 in the program is not less than the rate of pay for  
19 nonveterans in similar jobs; and

20 “(3) the Assistant Secretary of Labor for Vet-  
21 erans’ Employment and Training reasonably expects  
22 that—

23 “(A) the veteran will be qualified for em-  
24 ployment in that field upon completion of train-  
25 ing; and

1                   “(B) the employer providing the program  
2                   will continue to employ the veteran at the com-  
3                   pletion of training.

4           “(c) PAYMENTS TO EMPLOYERS.—(1) Subject to the  
5           availability of appropriations for such purpose, the Assist-  
6           ant Secretary of Labor for Veterans’ Employment and  
7           Training shall enter into contracts with employers to pro-  
8           vide programs of apprenticeship or on-the-job training  
9           that meet the requirements of this section. Each such con-  
10          tract shall provide for the payment of the amounts de-  
11          scribed in paragraph (2) to employers whose programs  
12          meet such requirements.

13          “(2) The amount paid under this section with respect  
14          to any eligible veteran for any period shall be 50 percent  
15          of the wages paid by the employer to such veteran for such  
16          period. Wages shall be calculated on an hourly basis.

17          “(3)(A) Except as provided in subparagraph (B)—

18                  “(i) the amount paid under this section with re-  
19                  spect to a veteran participating in the program es-  
20                  tablished under this section may not exceed \$20,000  
21                  in the aggregate or \$1,666.67 per month; and

22                  “(ii) such payments may only be made during  
23                  the first 12 months of such veteran’s participation  
24                  in the program.

1       “(B) In the case of a veteran participating in the pro-  
2 gram on a less than full-time basis, the Assistant Sec-  
3 retary of Labor for Veterans’ Employment and Training  
4 may extend the number of months of payments under sub-  
5 paragraph (A) and proportionally adjust the amount of  
6 such payments, but the aggregate amount paid with re-  
7 spect to such veteran may not exceed \$20,000 and the  
8 maximum number of months of such payments may not  
9 exceed 24 months.

10       “(4) Payments under this section shall be made on  
11 a quarterly basis.

12       “(5) Each employer providing a program of appren-  
13 ticeship or on-the-job training pursuant to this section  
14 shall submit to the Assistant Secretary of Labor for Vet-  
15 erans’ Employment and Training on a quarterly basis a  
16 report certifying the wages paid to eligible veterans under  
17 such program (which shall be certified by the veteran as  
18 being correct) and containing such other information as  
19 the Assistant Secretary may specify. Such report shall be  
20 submitted in the form and manner required by the Assist-  
21 ant Secretary.

22       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
23 is authorized to be appropriated to carry out this section  
24 \$10,000,000 for each fiscal year for which the program  
25 is carried out.

1       “(e) REPORTING.—The Secretary of Veterans Af-  
 2 fairs, in coordination with the Assistant Secretary of  
 3 Labor for Veterans’ Employment and Training, shall in-  
 4 clude a description of activities carried out under this sec-  
 5 tion in the annual report prepared submitted under sec-  
 6 tion 529 of this title.

7       “(f) TERMINATION.—The authority to carry out a  
 8 program under this section shall terminate on September  
 9 30, 2016.”.

10       (b) CLERICAL AMENDMENT.—The table of sections  
 11 at the beginning of such chapter is amended by inserting  
 12 after the item relating to section 4114 the following new  
 13 item:

“4115. Military transition program”.

14       (c) CONFORMING AMENDMENTS.—(1) Subsection  
 15 (a)(1) of section 3034 of such title is amended by striking  
 16 “and 3687” and inserting “3687, and 4115”.

17       (2) Subsections (a)(1) and (c) of section 3241 of such  
 18 title are each amended by striking “section 3687” and in-  
 19 serting “sections 3687 and 4115”.

20       (3) Subsection (d)(1) of section 3672 of such title is  
 21 amended by striking “and 3687” and inserting “3687,  
 22 and 4115”.

23       (4) Paragraph (3) of section 4102A(b) of such title  
 24 is amended by striking “section 3687” and inserting “sec-  
 25 tion 3687 or 4115”.

1 (d) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on the date that is one year  
3 after the date of the enactment of this Act.

4 **SEC. 3. WAIVER OF CLAIM DEVELOPMENT PERIOD FOR**  
5 **CLAIMS UNDER LAWS ADMINISTERED BY**  
6 **SECRETARY OF VETERANS AFFAIRS.**

7 (a) IN GENERAL.—Section 5101 of title 38, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing new subsection:

10 “(d)(1) If a claimant submits to the Secretary a claim  
11 that the Secretary determines is a fully developed claim,  
12 the Secretary shall provide—

13 “(A) the claimant with the opportunity to waive  
14 any claim development period otherwise made avail-  
15 able by the Secretary with respect to such claim; and

16 “(B) expeditious treatment to such claim.

17 “(2) If a person submits to the Secretary any written  
18 notification sufficient to inform the Secretary that the per-  
19 son plans to submit a fully developed claim and, not later  
20 than one year after submitting such notification submits  
21 to the Secretary a claim that the Secretary determines is  
22 a fully developed claim, the Secretary shall provide expedi-  
23 tious treatment to the claim.

24 “(3) If the Secretary determines that a claim sub-  
25 mitted by a claimant as a fully developed claim is not fully

1 developed, the Secretary shall provide such claimant with  
2 the notice described in section 5103(a) within 30 days  
3 after the Secretary makes such determination.

4 “(4) For purposes of this section:

5 “(A) The term ‘fully developed claim’ means a  
6 claim—

7 “(i) for which the claimant—

8 “(I) received assistance from a vet-  
9 erans service officer, a State or county vet-  
10 erans service organization, an agent, or an  
11 attorney; or

12 “(II) submits, together with the claim,  
13 an appropriate indication that the claimant  
14 does not intend to submit any additional  
15 information or evidence in support of the  
16 claim and does not require additional as-  
17 sistance with respect to the claim; and

18 “(ii) for which the claimant or the claim-  
19 ant’s representative, if any, each signs, dates,  
20 and submits a certification in writing stating  
21 that, as of such date, no additional information  
22 or evidence is available or needs to be submitted  
23 in order for the claim to be adjudicated.

24 “(B) The term ‘expeditious treatment’ means,  
25 with respect to a claim for benefits under the laws



1       administered by the Secretary, treatment of such  
2       claim so that the claim is fully processed and adjudicated within 90 days after the Secretary receives  
3       an application for such claim.”.

5       (b) APPEALS FORM AVAILABILITY.—Subsection (b)  
6 of section 5104 of such title is amended—

7               (1) by striking “and (2)” and inserting “(2)”;  
8       and

9               (2) by inserting before the period at the end the  
10       following: “, and (3) any form or application required by the Secretary to appeal such decision”.

12       (c) EFFECTIVE DATE.—The amendments made by  
13 this section shall apply with respect to claims submitted  
14 on or after the date of the enactment of this Act.

15 **SEC. 4. TOLLING OF TIMING OF REVIEW FOR APPEALS OF**  
16 **FINAL DECISIONS OF BOARD OF VETERANS’**  
17 **APPEALS.**

18       (a) IN GENERAL.—Section 7266(a) of title 38,  
19 United States Code, is amended—

20               (1) by striking “In order” and inserting “(1)  
21       Except as provided in paragraph (2), in order”; and

22               (2) by adding at the end the following new  
23       paragraph:

1       “(2)(A) The 120-day period described in paragraph  
2 (1) shall be extended upon a showing of good cause for  
3 such time as justice may require.

4       “(B) For purposes of this paragraph, it shall be con-  
5 sidered good cause if a person was unable to file a notice  
6 of appeal within the 120-day period because of the per-  
7 son’s service-connected disability.”.

8       (b) APPLICABILITY.—

9           (1) IN GENERAL.—Paragraph (2) of section  
10 7266(a) of such title, as added by subsection (a),  
11 shall apply to a notice of appeal filed with respect  
12 to a final decision of the Board of Veterans’ Appeals  
13 that was issued on or after July 24, 2008.

14          (2) REINSTATEMENT.—Any petition for review  
15 filed with the Court of Appeals for Veterans Claims  
16 that was dismissed by such Court on or after July  
17 24, 2008, as untimely, shall, upon the filing of a pe-  
18 tition by an adversely affected person filed not later  
19 than six months after the date of the enactment of  
20 this Act, be reinstated upon a showing that the peti-  
21 tioner had good cause for filing the petition on the  
22 date it was filed.

1 **SEC. 5. EXCLUSION OF CERTAIN AMOUNTS FROM DETER-**  
2 **MINATION OF ANNUAL INCOME WITH RE-**  
3 **SPECT TO PENSIONS FOR VETERANS AND**  
4 **SURVIVING SPOUSES AND CHILDREN OF VET-**  
5 **ERANS.**

6 (a) CERTAIN AMOUNTS PAID FOR REIMBURSEMENTS  
7 AND FOR PAIN AND SUFFERING.—Paragraph (5) of sec-  
8 tion 1503(a) of title 38, United States Code, is amended  
9 to read as follows:

10 “(5) payments regarding—

11 “(A) reimbursements of any kind (includ-  
12 ing insurance settlement payments) for—

13 “(i) expenses related to the repay-  
14 ment, replacement, or repair of equipment,  
15 vehicles, items, money, or property result-  
16 ing from—

17 “(I) any accident (as defined in  
18 regulations which the Secretary shall  
19 prescribe), but the amount excluded  
20 under this subclause shall not exceed  
21 the greater of the fair market value or  
22 reasonable replacement value of the  
23 equipment or vehicle involved at the  
24 time immediately preceding the acci-  
25 dent;

1                   “(II) any theft or loss (as defined  
2                   in regulations which the Secretary  
3                   shall prescribe), but the amount ex-  
4                   cluded under this subclause shall not  
5                   exceed the greater of the fair market  
6                   value or reasonable replacement value  
7                   of the item or the amount of the  
8                   money (including legal tender of the  
9                   United States or of a foreign country)  
10                  involved at the time immediately pre-  
11                  ceding the theft or loss; or

12                  “(III) any casualty loss (as de-  
13                  fined in regulations which the Sec-  
14                  retary shall prescribe), but the  
15                  amount excluded under this subclause  
16                  shall not exceed the greater of the fair  
17                  market value or reasonable replace-  
18                  ment value of the property involved at  
19                  the time immediately preceding the  
20                  casualty loss; and

21                  “(ii) medical expenses resulting from  
22                  any accident, theft, loss, or casualty loss  
23                  (as defined in regulations which the Sec-  
24                  retary shall prescribe), but the amount ex-  
25                  cluded under this clause shall not exceed

1 the costs of medical care provided to the  
2 victim of the accident, theft, loss, or cas-  
3 ualty loss; and

4 “(B) pain and suffering (including insur-  
5 ance settlement payments and general damages  
6 awarded by a court) related to an accident,  
7 theft, loss, or casualty loss, but the amount ex-  
8 cluded under this subparagraph shall not exceed  
9 an amount determined by the Secretary on a  
10 case-by-case basis;”.

11 (b) CERTAIN AMOUNTS PAID BY STATES AND MU-  
12 NICIPALITIES AS VETERANS BENEFITS.—Section 1503(a)  
13 of title 38, United States Code, is amended—

14 (1) by striking “and” at the end of paragraph  
15 (10);

16 (2) by redesignating paragraph (11) as para-  
17 graph (12); and

18 (3) by inserting after paragraph (10) the fol-  
19 lowing new paragraph (11):

20 “(11) payment of a monetary amount of up to  
21 \$5,000 to a veteran from a State or municipality  
22 that is paid as a veterans’ benefit due to injury or  
23 disease; and”.

24 (c) EFFECTIVE DATE.—The amendments made by  
25 subsections (a) and (b) shall apply with respect to deter-

1 minations of income for calendar years beginning after Oc-  
2 tober 1, 2011.

3 **SEC. 6. EXTENSION OF AUTHORITY OF SECRETARY OF VET-**  
4 **ERANS AFFAIRS TO OBTAIN CERTAIN IN-**  
5 **COME INFORMATION FROM OTHER AGEN-**  
6 **CIES.**

7 Section 5317 of title 38, United States Code, is  
8 amended by striking “September 30, 2011” and inserting  
9 “September 30, 2015”.

10 **SEC. 7. VETSTAR AWARD PROGRAM.**

11 (a) ESTABLISHMENT.—The Secretary of Veterans  
12 Affairs shall establish an award program, to be known as  
13 the “VetStar Award Program”, to annually recognize  
14 businesses for their contributions to veterans’ employ-  
15 ment.

16 (b) ADMINISTRATION.—The Secretary shall establish  
17 a process for the administration of the award program,  
18 including criteria for—

19 (1) categories and sectors of businesses eligible  
20 for recognition each year; and

21 (2) objective measures to be used in selecting  
22 businesses to receive the award.

23 (c) VETERAN DEFINED.—In this section, the term  
24 “veteran” has the meaning given that term in section  
25 101(2) of title 38, United States Code.

1 **SEC. 8. INCREASE IN AMOUNT OF PENSION FOR MEDAL OF**  
2 **HONOR RECIPIENTS.**

3 Section 1562(a) of title 38, United States Code, is  
4 amended by striking “\$1,000” and inserting “\$2,000”.

5 **SEC. 9. CONDITIONS FOR TREATMENT OF CERTAIN PER-**  
6 **SONS AS ADJUDICATED MENTALLY INCOM-**  
7 **PETENT.**

8 (a) IN GENERAL.—Chapter 55 of title 38, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing new section:

11 **“§ 5511. Conditions for treatment of certain persons**  
12 **as adjudicated mentally incompetent**

13 “In any case arising out of the administration by the  
14 Secretary of laws and benefits under this title, a person  
15 who is mentally incapacitated, deemed mentally incom-  
16 petent, or experiencing an extended loss of consciousness  
17 shall not be considered adjudicated as a mental defective  
18 for any purpose without the order or finding of a judge,  
19 magistrate, or other judicial authority of competent juris-  
20 diction that such person is a danger to himself or herself  
21 or others.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of chapter 55 of such title is amended  
24 by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent”.

